



**Robert W. Quinn, Jr.**  
Federal Government Affairs  
Vice President

Suite 1000  
1120 20th Street NW  
Washington DC 20036  
202 457 3851  
FAX 202 457 2545

February 3, 2003

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, DC 20554

Re: Notice of Ex Parte Presentation  
In the Matter of Review of Section 251 Unbundling Obligations of Incumbent  
Local Exchange Carriers and Implementation of the Local Competition Provisions  
in the Local Telecommunications Act of 1996, CC Docket Nos. 01-338; 96-98;  
98-147

In the Matter of Appropriate Framework for Broadband Access to the Internet  
Over Wireline Facilities, CC Docket Nos. 02-33; 95-20; 98-10

Dear Ms. Salas,

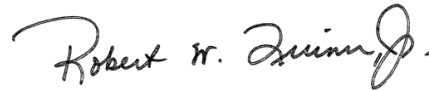
On Friday January 31, 2003, I spoke on the telephone to Dan Gonzalez, Commissioner Martin's Senior Legal Adviser, three times to discuss issues related to the aforementioned proceedings. During the course of those discussions, I explained AT&T's position on the necessity of requiring the unbundling of switching until the significant economic impairments that AT&T has identified in the record of the Triennial Review are addressed and eliminated. The process of identifying those impairments and whether they have been removed can only be conducted on a market-by-market basis and cannot be determined in a national proceeding. Rather, state commissions must be left with the authority to conduct that granular analysis based upon local facts and conditions. If the Commission here adopts presumptions with respect to any network element, the states must be permitted, based on evidence adduced in a state proceeding, to issue contrary findings and determine a state-specific list of UNEs without having to resort back to the Commission for authority.

In any event, I stated that the Commission here should find that the record requires on a nationwide basis that carriers are impaired without access to all UNEs previously identified without limitations such as the ones that exist in the switching and combination areas. I also stated that pricing of those UNEs should continue to be done by the states.

In addition, I emphasized the importance of maintaining unbundling obligations on incumbent providers based upon the services the CLECs seek to offer over those facilities rather than the services the ILEC chooses to offer over a facility. The latter, I explained, would distort competition by incenting the incumbents to create separate, inferior networks for competitive access in direct contravention of the non-discrimination principles espoused in the Telecommunications Act. In addition, I underscored the importance of preserving CLEC access to ILEC loop facilities, and identified operational and cost barriers to competition that would result if CLECs were relegated to copper facilities as ILECs introduce additional fiber into existing loop plant. Specifically, we discussed the possibility of service disruption if the ILECs were permitted to "migrate" CLEC customers from fiber to copper facilities at their discretion.

The positions expressed in the meeting for each of these areas were consistent with those contained in the Comments, Reply Comments and ex parte filings previously made in the aforementioned dockets. One electronic copy of this Notice is being submitted for each of the referenced proceedings in accordance with the Commission's rules.

Sincerely,

A handwritten signature in black ink, reading "Robert W. Quinn". The signature is written in a cursive, flowing style with a large initial "R" and a distinct "Q".

cc: Dan Gonzalez